

REMARKS

This application has been reviewed in light of the Office Action dated June 11, 2008. Claims 1-3, 6, 9, 11, 13, and 20-22 are presented for examination, of which Claims 1, 11, 13, and 21 are in independent form. New Claims 20-22 have been added to provide the Applicant with a more complete scope of protection. Claims 1, 3, 6, 11, and 13 have been amended to define the Applicant's invention more clearly. Favorable reconsideration is requested.

Claims 1-3, 6, 9, 11, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,774,624 (*Enari*) in view of U.S. Patent No. 6,556,627 (*Kitamura et al.*).

Notable features of amended Claim 1 are that the controller controls the recording unit to start recording the encoded image signal upon detection of an instruction while an encoded image signal is being transmitted to an external device. In addition, the controller controls the recording unit to record the encoded image signal from a beginning of a picture group containing a frame corresponding to when the instruction is detected-- if the frame is an interframe-encoded picture.

Enari discloses encoding an image signal and recording the encoded image signal, where encoding of the image signal is started in response to a recoding instruction. However, *Enari* is silent about transmitting the encoded image signal to an external device and starting recording of an image signal while the image signal is being transmitted. Indeed, *Enari* merely discloses starting a record and an encoding at the same time.

Applicant further submits that *Kitamura et al.* also does not disclose or suggest starting the recording of the image signal while the image signal is being transmitted.

In addition, neither *Enari* and *Kitamura et al.* consider whether a frame corresponds to when an instruction to start recording is detected is a interframe-encoded picture. In this regard, *Enari* and *Kitamura et al.* appear not to have been even aware of the problem which occurs when an encoded image signal including an interframe-encoded pictures is recorded and recording of the encoded image signal (or intraframe-encoded picture) is not started from the beginning of the encoded image signal while the encoded image signal is being transmitted.

Accordingly, Applicant submits that a combination of *Enari* and *Kitamura et al.*, assuming such combination would even be permissible, would fail to teach or suggest “a controller configured to control, upon detection of the instruction while the encoded image signal is being transmitted to the external device, said recording unit to start recording the encoded image signal, wherein said controller controls said recording unit to record the encoded image signal from a beginning of a picture group containing a frame corresponding to when the instruction is detected if the frame is an interframe-encoded picture,” as recited in Claim 1.

Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 11 and 13 include similar features as discussed above in connection with Claim 1, and new Claim 21 additionally provides “a controller configured to control, upon detection of the instruction while the encoded image signal is being transmitted to the external device, said recording unit to start recording the encoded image signal,

wherein said controller controls said recording unit to record the encoded image signal from a frame that is an intraframe-encoded picture and is required to decode a frame corresponding to when the instruction is detected, if the frame corresponding to when the instruction is detected is an interframe-encoded picture.” Accordingly, Claims 11, 13 and 21 are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant’s undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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